

Appln. No. 10/590,026
Amd. dated January 12, 2009
Reply to Office Action of October 15, 2009

REMARKS

Claims 1-3 and 6-11 currently appear in this application. The Office Action of October 15, 2008, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claim Amendments

The definitions of Y¹ and W in claim 1 have been limited.

The term "prodrug" has been deleted from the claims.

The term "preventive" has been deleted from claim 11.

Rejections under 35 U.S.C. 112

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 112, first paragraph, because the specification is said to not provide enablement for all of the compounds encompassed by the claims.

This rejection is respectfully traversed. While applicant does not agree with the Examiner's conclusion regarding enablement, the claims have been amended basically as required by the Examiner in order to expedite prosecution.

In paragraph 8 of the Office Action, the Examiner states, "the specification does not enable any person skilled in the art to make and use the invention wherein W and Y¹ are as recited by instant claim 1." On the other hand, in the same paragraph, the Examiner acknowledges enablement for compounds wherein W is -NRaRb, -N=C(-Rc)NRaRb, -N(-Ra)C(=O)Rc or -N[C(=O)Rc][C(=O)Rc']; and Y¹ is hydrogen.

In consideration of the foregoing, applicant has revised the definitions of Y¹ and W as follows:

Y¹ is selected from the group consisting of a hydrogen atom, a halogen atoms and a C₂-C₆ alkenyl group;

W is -NRaRb, -N=C(-Rc)NRaRb, -N(-Ra)C(=O)NRa'Rb', or -N(-Ra)C(O)Rc, or -N[C(=O)Rc].

In the definition of Y¹, the halogen atom and the C₂-C₆ alkenyl group are supported by compounds prepared in Examples 129 and 149 and Examples 130, 135

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and 150, respectively. In the definition of W, the group $-N(-Ra)C(=O)NRa'Rb'$ is supported by a compound prepared in Example 119. It should be noted that the pharmaceutical activity of the compounds of Examples 119, 130, 135, 149 and 150 are disclosed in Tables 4-1, 4-2 and the like of the subject application. Enablement of compounds having other groups in the definitions has already been acknowledged by the Examiner.

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making prodrugs of the claimed compounds.

This rejection is respectfully traversed. The claims have been amended to delete the term "prodrugs."

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for therapeutic agents, does not reasonably provide enablement for making preventative agents.

This rejection is respectfully traversed. Claim 11 has been amended to delete "preventive agent."

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In view of the above, it is respectfully
submitted that the claims are now in condition for
allowance, and favorable action thereon is earnestly
solicited.

Respectfully submitted,

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